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FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

FIFTY-EIGHTH LEGISLATIVE DAY
TUESDAY, MARCH 10, 2009

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senator McKenzie, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Ashley Patrick, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 9, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJM 101

BY JUDICIARY AND RULES COMMITTEE A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF EDUCATION, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, there is a growing need to increase the number of medical residency positions available to meet a growing need in Idaho; and

WHEREAS, Idaho ranks 49th out of the 50 states in the number of practicing physicians per capita; and

WHEREAS, Idaho currently ranks 49th out of the 50 states for the number of resident physicians per capita; and

WHEREAS, there is currently an increase in the number of medical students graduating each year in the United States to help meet a projected physician workforce shortage, but there has not been an equal increase in the number of residency positions available; and

WHEREAS, it is currently projected that by the year 2013, the number of United States medical school graduates will exceed the number of first year residency positions available; and

WHEREAS, Idaho ranks 8th out of the 50 states in retention of resident physicians as practicing physicians within the state; and

WHEREAS, Centers for Medicare and Medicaid Services (CMS) moneys help finance residency programs through sponsoring hospitals based upon the number of residents, the number of Medicare patients and the complexity of patients' conditions; and

WHEREAS, the United States Congress through the 1997 Balanced Budget Act, froze the amount of CMS moneys used for Graduate Medical Education.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the United States Congress is urged to provide additional financial opportunities to fund medical residency programs to meet a growing and underfunded need.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the Secretary of Education, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[SJM 101](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 9, 2009

The STATE AFFAIRS Committee reports out [S 1132](#) with the recommendation that it do pass.

MCKENZIE, Chairman

[S 1132](#) was filed for second reading.

March 9, 2009

The JUDICIARY AND RULES Committee reports out [H 87](#), [H 103](#), [H 104](#), and [H 105](#) with the recommendation that they do pass.

DARRINGTON, Chairman

[H 87](#), [H 103](#), [H 104](#), and [H 105](#) were filed for second reading.

March 9, 2009

Motions and Resolutions

The HEALTH AND WELFARE Committee reports out [S 1129](#) and [S 1082](#) with the recommendation that they do pass.

LODGE, Chairman

[S 1129](#) and [S 1082](#) were filed for second reading.

March 9, 2009

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Tom Stroschein to the State Board of Health and Welfare, term to expire January 7, 2013.

Daniel Fuchs to the State Board of Health and Welfare, term to expire January 1, 2013.

Janet Penfold to the State Board of Health and Welfare, term to expire January 1, 2013.

LODGE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 9, 2009

Dear Mr. President:

I transmit herewith [H 169](#), [H 170](#), [H 188](#), [H 189](#), [H 190](#), [H 191](#), [H 43](#), [H 124](#), [HJM 3](#), [H 72](#), [H 163](#), [H 164](#), [H 110](#), [H 111](#), [H 112](#), and [H 113](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 169](#), [H 170](#), [H 188](#), [H 189](#), [H 190](#), [H 191](#), [H 43](#), [H 124](#), [HJM 3](#), [H 72](#), [H 163](#), [H 164](#), [H 110](#), [H 111](#), [H 112](#), and [H 113](#) were filed for first reading.

March 9, 2009

Dear Mr. President:

I return herewith Enrolled [S 1052](#), which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1052](#) was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

The President announced that [SCR 107](#) was before the Senate for final consideration.

Moved by President Pro Tempore Geddes, seconded by Senator Stegner, that [SCR 107](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 27.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Sagness (Malepeai), Thorson (Stennett), Werk. Total - 7.

Absent and excused—McKenzie. Total - 1.

Total - 35.

Whereupon the President declared [SCR 107](#) adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that [SCR 108](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stegner, [SCR 108](#) was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that [HCR 18](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Coiner, seconded by Senator Werk, [HCR 18](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that [HJM 1](#) was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Pearce, seconded by Senator Werk, [HJM 1](#) was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator McKenzie was recorded present at this order of business.

S 1144
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO THE FIRE PROTECTION BOARD; AMENDING SECTION 31-1408, IDAHO CODE, TO DELETE CERTAIN RESIDENCE REQUIREMENTS RELATING TO FIRE PROTECTION DISTRICT COMMISSIONERS, TO REVISE PROVISIONS RELATING TO WHEN THE OATH OF OFFICE OF FIRE PROTECTION COMMISSIONERS SHALL BE TAKEN AND TO REVISE EXCEPTION PROVISIONS RELATING TO TAKING THE OATH.

S 1145
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS; AMENDING SECTION 18-3302H, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION IS CONFIDENTIAL AND EXEMPT FROM DISCLOSURE; AND AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS ARE EXEMPT FROM DISCLOSURE.

S 1146
BY JUDICIARY AND RULES COMMITTEE
 AN ACT

RELATING TO FOOD ESTABLISHMENTS; AMENDING SECTION 39-1602, IDAHO CODE, TO DEFINE ADDITIONAL TERMS; AND AMENDING SECTION 39-1607, IDAHO CODE, TO PERMIT THE DEPARTMENT OF HEALTH AND WELFARE'S DESIGNATED REGULATORY AUTHORITY TO CHARGE FOOD ESTABLISHMENTS A LICENSING FEE, TO REVISE LICENSE FEES FOR SPECIFIED FOOD ESTABLISHMENTS, TO PROVIDE TERMS AND CONDITIONS ON CERTAIN LICENSES, TO REMOVE REFERENCE TO THE FOOD SAFETY FUND AND TO PROVIDE FOR REVIEW OF THE FOOD INSPECTION PROGRAM.

S 1144, S 1145, and S 1146 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 169, H 170, H 188, H 189, H 190, and H 191, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 43, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 124, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

HJM 3, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 72, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 163, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 164, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 110, H 111, H 112, and H 113, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1109, as amended, and S 1112, as amended, by Health and Welfare Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator McGee, granted by unanimous consent, H 152 was referred to the Fourteenth Order of Business, General Calendar.

H 123 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—Bock. Total - 1.

Total - 35.

Whereupon the President declared H 123 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:03 p.m. until the hour of 10:30 a.m., Wednesday, March 11, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary